App. F. IX-4

1929-30
(Prisons)

File No. 42-28

Serial Nos. 5 to 9

Previous References
Pris. 42-28 (1-4)
G.A.G. 24-16 (1-17)

Later References

General and Revenue Secretariat.

Part B for August 1930.

SUBJECT

Draft Addendum to the Jail Manual for the prevention of irregularities in the Surrender of prisoners for trials outside the State.

Sl. 9. To No. G. 784-93 Dt. 21.7.30.
The I.G. of Prisons in Mysore.
" Registrar, High Court of Mysore
" I.G. of Police in Mysore
" Distr. Magistrate of Delhi

Issues certain amendments re: instructions for the surrender of Prisoners confined in the Mysore Jails to British Indian Courts.

eneral and Revenue Secretariat | Prisons File No. 42 of 1928

Serial No.

5 From the Secretary to the Resident in Mysore
No 7186/25/1928 dated 23 July
7186/25/1928 dated 23rd August
informing that the Hon'ble the Resident agrees to the arrangement proposed in 2nd paragraph of his letter No. P.S. 431 Prisons 42 28-4 dated 19.7.28 regarding changes prescribing certain prisoners from Bangalore to Bidadi and in the Kanara District as per reports and the sum of Rs 50.7.0 may be recovered to the Government of Mysore. Case submitted.

Subd. It has been ordered by the Standing Council in para 34 of the note in the file put up below that the officer at fault viz clerk, Chief Jailor and the Superintendent Jail should be held liable. The amount that has to be recovered on our part is Rs 50.7.0. The proportion in which the amount has to be recovered has to be decided. The amount may perhaps be recovered as noted in the margin. The recovery of amount from the Superintendent Jail would tantamount to a charge on a Gazetted Officer. Approval of Dewan would therefore appear to be necessary. After these questions are decided necessary draft letter to will be submitted.

Rs 50/7/0 / 28/8 The amounts to be recovered from each individual is for orders

Chief Secy, 28/8

Third member.

From C.S.O.

Serial No.

Memo to the S.P.

Rig
23/9/29.

Rig
23/9/29.

Rig 26-9-29

5) Forwarded to the Superintendent Central Prison in original for favour of his views on the matter.

By order
Seshavarayappa
for Chief Secy

24/9

24(-1)
Keep on file

Office of the Inspector-General of Prisons in Mysore,
Dated Bangalore, 28th September 1929.

I agree that all the three officials are at fault and should be held responsible, the amount may be recovered from each as suggested in the above note, viz.,

Superintendent.....	Rs. 25-0-0
Chief Jailor.....	Rs. 15-0-0
Clerk	Rs. 10-7-0
Total Rs.	50-7-0

S. Subba Rao
Inspector-General of Prison

G.O.
dd
30/9

Serial No.

8) A draft [illegible] is submitted for perusal please.

9) Please see the note at the end of the draft. A fair draft may be put up.

10/10.

10) Revised draft is put up. (The amt to be recovered is as indicated in the U.O. note of the I.G Prisons dt 28/9).

Subject ref: to the Members order dt 23/

12/

3rd Member)

11) Draft letter to the D.G.P. is submitted for approval as per personal instructions

3rd Member).

Dec 29/10/29

30/10/29

12 Issue

30/10.

To The D.G. & Prisons

No 9 5609 Dt 1-11-1929

Sir,

I am directed to request that you will please take steps to recover the amount from the officers and remit the same to the Commr of Police C and M Station Bangalore etc.

Issued draft

Dated 9/10

Subject with Kindly scrutinize the draft once again. 10/10

The draft did not pass through me in the first instance. 11.10.

eneral and Revenue Secretariat | Pri

Serial No.

7 From the Supdt of Prisons
Cuddapah
No C 211-24 Dated 24th Dec 1929
forwards extract of letter from the Supdt Rc
Jail reporting the recovery of a Bank of Rs
42-0-0 to the Court of Police Cash on 8th inst and
that the balance of Rs 8-7-0 will be paid
by the Clerk in 6 instalments and
permitted by the Court of Police Cash on 8th.

13) Send for perusal. Prison Manual

The Residency Collr does not appear to require a reply

14) Issue
23/12

Issued No 9909 dt 4.1.1930

9/1/30

From the Supdt Prisons
No C 652-14 dated 9 Jany 29 do
States that the Contractor due by Mr
Mahomed Abdulla is Rs 105-1-5.

From Cuddapah Dist Prisons
Cuddapah
No C 211-28 D 7.2.30
forwards draft addns to the Jail Manual
for the Regulation of irregularities in the Removal
of Prisoners for trial outside the Dist Hdqrs.
Submits the Law Secretariat may be consulted
whether the amendments proposed may
be accepted. 16) yes
14/4

12/2 L. Sch

WD 01634—GPB—30,000—20-4-29

Serial No.

17) The draft addendum has been revised and it seems to be all right. Submit.

Sd
20/3
(Govt. Advr)

Jr
5/3

10/3 | 17/3 | 20/3

18) Submit for orders whether the amendment proposed may be accepted. It would be better if a Summary of the order of Govt is inserted instead of the whole order. Amendment to Chapter XXX of W&I is proposed as Rule 426-A.

For orders

Sd MR
22/3 22/3

15) MR Marginal in full.

bring up
Sd
24/3.

personally submitted
R. Dated

19) Submitted. As personality is attached a revised amendment to Rule 426-A of the Bombay Jail Manual is put up. (Flag A). The Law Secretariat may be consulted again on the amendment.

Sd JL 21) Draft Govt as ordered in person is also put up

Sd
17/4

Chief Secy)

Sd
19/4

General and Revenue Secretariat | Pers. File No. 42 of 1925

Serial No.

Circ. Mr. Branch to examine whether amendments to the Jail Manual should not perforce to issue as Rules under the Prisons Regn.

Typed draft as ordered in the previous page. for reference to the Law Secretariat for Scrutiny.

The point raised at para 22 will have also examined.

Law Secy) 23/4

23/4

29/4

In deserters seems a conflict the rules in the Jail manual do not seem to have been issued as yet under the Prisons Act. They exist in the matter of misconduct of the Jail officers. For their punishments are the rules issued under S. 59(2) of the Prisons Act XXIV of 1870. If they are to be issued the Jail officers could be punished under S. 57 of the Act for any

Serial No.

recognition of any such Permanent Jail officers for appointment also provided in Rules 107 & 108 of Jail Manual Vol I.

26) Subject for orders

GG 6/5

27) The Jail Manual contains not only the rules issued under the Prisons Act but also some rules on allied matters issued under other laws.

28) The Rule now proposed cannot appropriately be brought under ~~the XXX~~ of the Jail Manual. It has reference to the extradition of prisoners in British India under the notification of 20-7-1907, ~~which is a notification~~ while the Rules ~~the XXX~~ are rules issued under the Prisoners' Testimony Regulation.

29) The notification of 20-7-1907 has the force of law. The Govt. G.O. 6-1-1908 containing instructions for ~~carrying~~ carrying out the provisions of this law. The new rule is also in the nature of an instruction for the same purpose may be issued accordingly. If it is to be incorporated in the Jail Manual, the notn.

Serial No.

and the Be-O referred to above and the rule now proposed may be brought together in a separate Chapter under a heading "Extradition".

Secy)

8/5/30

I agree,
20/5

21/5

(H. M. Bv)

30) Sd. If approved the D.P. will be asked to submit the revised amendments in accordance with legal opinion above.

31) For orders

23/5

32) If a new Chapter is added it can only be done at Chapter LXIII at the end of the Manual. Otherwise if it comes in the middle, the entire numbering of the succeeding chapters will have to be altered.

with ref: to parag: 22.

23/5

Chief Secy)

CHIEF SECRETARY,
30 MAY 1930

33) The suggestion of the D/S from may be adopted and the draft suitably revised

31/5

General and Revenue Secretariat — File No. 42 of 1926

Serial No.

29) Subd. A Revised draft relating to the amendment to the Madras Jail Manual Vol I as proposed at para 32 to part 2. But however the proper place for the proposed new chapter appears to be between chapter XXX and XXXI as Chapter XXX A. It would be better if the I.G.P. is consulted officially and advised about the proposed amendment.

30) Orders

15/6

Chief Sec)

15/6

U.O. 191/Pris of 16-6-30

Approve. 211-29 27/6

31) Forwarded with Compliments to the I.G. of Prisons.

By order

Asst. Secy to Ch: Secy

23/6/30.

Case file

211-30 27/6/30

32) I am of opinion that the proper place is between chapters XXX & XXX A. It may be called Chapter XXX A. and the various sections may be numbered a, b, c, d &c. When it is found necessary to issue a new edition of the jail manual, the numbering of the new chapter & sections may be suitably altered.

S. Subbarao.

27/6/30

MADRAS 15 JUNE 1930

SECRETARY 7 JUNE 1930

W 11

General and Revenue Secretariat — Prisons File No. 42

Serial No.

39 Draft already on the file Revised by modified and Ruled 30/6

Chief Secy

Ald 1/7

CHIEF SECRETARY, 1 JULY 1930

C. D. to Prisons

Draft Revised as personally directed by the Chief Secy and Ruled 30/6

Chief Secy

Ald 4/7

CHIEF SECRETARY, 4 JULY 1930

Hd Clerk

Issue 8/7

per S.G. & Prisons,
per Registrar High Court.
per S.G. & Police
per Dr Master & Co.

No 9784-93

Issues certain amendments regarding instructions for the surrender & Prisoners confined in the Mysore Jail British Indian Court

22 JUL

MISCELLANEOUS BRANCH

All communications should be addressed to the Secretary to the Resident in Mysore, Bangalore, by designation and not by name.

No. 7186 Encl. 251/1928.

fm 1229

105

FROM

Major G. Loch,
SECRETARY TO THE RESIDENT IN MYSORE.

To

The General Secretary to the Government of
His Highness the Maharaja of Mysore.

Dated Bangalore, 23rd August 1929

Subject. Pris 42-28-5.

Charges of escorting certain prisoners from Bangalore to Sidapur in the North Kanara District.

SIR,

I am directed to inform you that the Hon'ble the Resident agrees to the arrangement proposed in the second paragraph of your letter No.Pol.731/Pris/42-28-4, dated the 19th January, 1929, and to request that the sum of Rs.50-7-0 may be remitted to the Commissioner of Police, Civil and Military Station, Bangalore.

2. I am to express regret at the delay in replying to your letter, but to explain that, owing to a misunderstanding, it was thought that the question was being settled in communication with the Commissioner of Police.

I have the honour to be,
Sir,
Your most obedient servant,

G. Loch.
Major.
SECRETARY TO THE RESIDENT.

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the *192*

Date of issue 1.10.29.

Signed by Mr. D.C.J.

List of enclosures.....

Copied by .....

Examined by .....

Section Prs

File No. 42-28

Serial No. 6

No. G. 5809.

To

.....The A.G.G. of Coorgs.....
in Mysore, Bangalore.

Sir,

With reference to your un-official note No. C 211-17 dated 28th September 1929 in the matter of the recovery of a sum of Rs. 50/7 being a moiety of the charges incurred by the Police of the C & M Station, Bangalore for the escort of certain prisoners from the Bangalore Central Jail to Siddapur in Coorg and back, I am directed to state that Govt. agree with you in the view that the amount in question may be recovered from the officers of

over

W10126—G P B—30,000—26-5-27

of the jail in the proportion indicated in the margin. I am accordingly to request you to be so good as to have the amount recovered as early as possible, ~~and~~ remit the same to the Commissioner of Police, C. & M. Station, Bangalore and report the fact to this office.

Superintendent .. Rs. 25
Chief Jailor .... Rs. 15
Clerk .. .. .. Rs. 10/7
Total Rs. 50/7

I am to add in this connection that, with a view to prevent the recurrence of such irregularities in future, it appears desirable to incorporate into the Mysore Jail Manual some simple rules indicating the procedure to be adopted when a prisoner from our jails is to be surrendered to a British Indian court for being tried for an extradition offence committed by him. Draft addenda may kindly be prepared on the lines of the instructions conveyed in Govt. Notification No. J. 2013-23/legis. - 141-04-15 dated 6th January 1908 and submitted for the approval of Govt.

I have &c

Sec
29/10/24

GENERAL MISCELLANEOUS BRANCH
16 DEC.

OFFICE OF THE INSPECTOR-GENERAL OF PRISONS
IN MYSORE,
Dated Bangalore, 14th December 1929

348

FROM

Dr. S. SUBBA RAO, B.A., M.B.C.M., L.R.C.P. (London) M.R.C.S., (Eng.) & D.P.H.
INSPECTOR-GENERAL OF PRISONS
IN MYSORE, ~~BANGALORE~~ Bangalore.

To

Pol h 2-287

The General Secretary to the Government of H.H. the
Maharaja of Mysore, Bangalore.

SIR,

In continuation of my letter No. C.211-22 dated 7th December 1929 I have the honour to forward herewith, copy of letter No. 2224 dated 10th December 1929 together with its enclosures in original (to be kindly returned) received from the Superintendent, Central Jail, B'lore. The balance of Rs. 8-7-0 will be paid by the Clerk in 4 instalments as permitted by the Commissioner of Police, Civil and Military Station, Bangalore.

I have the honour to be,
Sir,
Your most obedient servant,

S. Subba Rao

Inspector-General of Prisons.

avl.

Diary No. of letter replied to.....

General and Revenue Secretariat

( )

the 192

Date of issue 4-1-30

Signed by Mr. N. D. Rao.

Copied by.....

Examined by.....

To

The Inspector General of Prisons
in Mysore

Subject: Charges for escorting Certain
prisoners from Bangalore to Siddapur
in Sirsi N. Kanara

Sir,

In reference to your letter
No C 2.11-24 dated the 14th Dec.
1929 forwarding copy of letter from the
Superintendent Jail Bangalore stating that he
is in receipt of Rs 42-0-0 from the
Sandy Police Station of Bangalore

I am directed to request you
to expedite the draft
amendments to the Mysore Jail
Manual called for in para 2
of the D.O. letter dt. 5th Oct 29

WD 063

2 - The enclosure of your letter
under reply is returned herewith

No. 241-28 Office of the Inspector-General of Prisons
Encl
in Mysore,

Dated Bangalore, 4th February 1930.

GENERAL MISCELLANEOUS BRANCH
481
30.8 FEB. 1930
277

From

Dr. S. Subba Rao, B.A., M.B.C.M., L.R.C.P., M.R.C.S., and D.P.H.,

Inspector-General of Prisons in Mysore,

Bangalore.

To

Pris 42-28-8

R. Ranga Rao, Esqr., B.A., B.L.,

General Secretary to the Government of

His Highness the Maharaja of Mysore,

Bangalore.

Sir,

With reference to your letter No. 5609/Pris. 42-28-6 dated 1st November 1929 calling for the draft addenda to the Jail Manual for the prevention of irregularities in the surrender of prisoners for trials out-side the State, I have the honour to forward herewith, for approval of Government the necessary draft addenda prepared on the lines of the instruction conveyed in Government Notification No. J. 2013-23/Legis: 141-04-15 dated 6th January 1908.

I have the honour to be,

Sir,

Your most obedient servant,

S. Subba Rao

Inspector-General of Prisons.

Letter No. 2224/F. 5-8/29 dated 10th December 29- from the Superintendent, Central Jail, Bangalore, tc the Inspector-General of Prisons in Mysore, B'lore.

-@-@-@-@-@-@-

In reply to your No. C. 211-10 dated 9-12-29, I have the honour to state that a sum of Rs. 42-0-0 as per margin, was remited to the Commissioner of Police, C. & M. Station and the receipt obtained is herewith forwarded in original for favour of perusal and return. The remaining Rs. 8-7-0 due by clerk Hanumantha Rao, is permitted by Commissioner of Poli C.& M. Station to be paid in four instalments on the representation of the clerk.

Rs. 42-0-0	
" 2-0-0	
" 15-0-0	
Rs. 25-0-0	

-*-*-*-*- *-*-*-*-*-*-*-*-

" C O P Y "

S. Subba Rao

Inspector-General of Prisons.

14th December 1929.

S. O.

Government of his highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. G. 784-93—Pris. 42-28-9, dated 21st July 1930.

Amendments to Mysore Jail Manuals, Vols. I and II.

Issues certain —— regarding instructions for the surrender of prisoners confined in the Mysore Jails to British Indian Courts.

READ—

Government Order No. J. 2013-23—Legis. 141-04-15, dated the 6th January 1908, laying down instructions for the guidance of Magistrates and Officers in charge of Prisons in the State with regard to warrants and requisitions issued by Magistrates in British India for the surrender of prisoners confined in the State Jails.

2. Letter No. G. 5609—Pris. 42-28-6, dated the 1st October 1929, to the Inspector-General of Prisons in Mysore, inviting him to propose additional rules so as to ensure the avoidance of mistakes in connection with the surrender of prisoners according to the Government Order read above.

3. Letter No. C. 211-28, dated the 7th February 1930, from the Inspector-General of Prisons in Mysore, submitting for the approval of Government the necessary draft addenda called for above.

ORDER THEREON No. G. 784-93—PRIS. 42-28-9, DATED 21ST JULY 1930.

The accompanying amendments to the Mysore Jail Manuals, Vols. I and II are approved.

N. MADHAVA RAO,
Chief Secretary to Government.

To—The Inspector-General of Prisons in Mysore.
The Registrar of the High Court of Mysore, with a covering letter.
The Inspector-General of Police in Mysore.
The District Magistrates of Districts.

Exd—P. S. R. N.

No. G 784-93—Pris. 42-28-9, dated 21st July 1930.

Insert the following amendments to Mysore Jail Manual, Vol. I.

XXX A. EXTRADITION.

ule 426 (*a*)

Instructions for the surrender of prisoners confined in the Mysore Jails to British ıdian Courts are contained in Appendix 1-3 of Volume II of the Jail Manual. Care ould be taken that copies of the requisition and the warrant, if any, received through e Honourable the Resident in Mysore are given both to the Superintendent of Police to hom an application is made for the escort of the prisoner, and to the Police Officer in ıarge of the escort of the prisoner.

Insert the following as Appendix I—3 to Mysore Jail Manual, Vol. II.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

EAD—

(1) Chief Commissioner's Notification No. III, dated the 23rd July 1878.

"Under the authority of His Excellency the Viceroy and Governor-General in Council, e Chief Commissioner directs that all Criminal processes of whatever description hen issued by any Magistrate having Jurisdiction in any District of British India shall be ted upon and executed by all Magistrates and Police Officers in Mysore under the me condition and in the same manner as if such processes had been issued by a Magis- ate having jurisdiction in Mysore."

(2) Government Notification No. J. 219—Legis. 14-04-14, dated the 20th July 07:—

"His Highness the Maharaja of Mysore is pleased to direct that if a requisition r the production and delivery at a place and to a person or authority indicated in the quisition of a person confined in a prison in Mysore under sentence of a Criminal ourt in Mysore for an extradition offence and charged with the Commission of an tradition offence in British India, be addressed by a Magistrate or Court of competent risdiction in British India to the Officer in charge of the prison in Mysore where such rson is confined, such officer shall act upon and comply with the same by causing such rson to be conveyed to the place and delivered to the person or authority so indicated."

Provided as follows:—

(1) Every such requisition is forwarded through the Honourable the Resident in ysore.

(2) No such requisition shall be acted upon if the person to whom it relates is ıder sentence of death.

Explanation.—In this order, "extradition offence" means any such offence as is scribed in the 1st schedule to the Indian Extradition Act, 1903 (Act XV of 1903 of the overnor-General in Council).

2. His Highness is further pleased to direct that on the delivery as aforesaid of a rson confined in a prison and undergoing sentence under a conviction in Mysore, his ntence shall be deemed to be suspended until the date of his re-surrender from British India to Mysore when it shall revive and shall have effect for the portion thereof which remained unexpired at the time of the delivery.

3. The provisions of this notification may by a special order of the Government be applied to the case of any person confined in a prison in Mysore under sentence of a Criminal Court in Mysore for any offence, who may be subsequently charged with committing an extradition offence in British India.

Explanation.—The word "offence" where it first occurs in this para does not include an act which, if committed in British India, would not be an offence."

No. J. 2013-23—Legis. 141-04-15, dated Bangalore, 6th January 1908.

Orders thereon.—Government are pleased to lay down the following instructions for the guidance of Magistrates and Officers in charge of Prisons in the State with regard to warrants and requisitions issued by Magistrates in British India in accordance with the Notifications read above:—

No. G. 791-93—Pris. 42-28-9, dated 21st July 1930.

(1) Where a person is confined in a prison in Mysore under sentence of a Criminal Court in Mysore for an extradition offence and is charged with the commission of an extradition offence in British India, a requisition to the officer in charge of the Prison where such person is confined shall be acted upon and complied with in the manner provided in para 1 of the Notification of the 20th July 1907 read above.

(2) Where a person is confined in a Prison in Mysore for non-extradition offence (*i.e.*, an offence not specified in the Schedule to the India Extradition Act of 1903) and is charged with an extradition offence in British India a requisition by a Magistrate or Court of competent jurisdiction in British India, to the Officer in charge of the Prison where such person is confined shall not be compiled with except on a special order of the Government. On receipt of any such requisition the officer in charge of the Jail should immediately report the case to Government for instructions.

(3) In either of the above cases, no person confined in Mysore under a sentence of death shall be surrendered.

(4) Whenever a person confined in a Prison in Mysore is surrendered before the expiry of his term of imprisonment, the Officer in charge of the Prison shall simultaneously with the surrender of the prisoner submit an application for the issue of a warrant under Section 7 or a requisition under Section 9 of the Indian Extradition Act, for the resurrender of the convict to undergo the unexpired portion of his sentence.

(5) Where a person is confined in Mysore under sentence for an offence constituted by an act which, if committed in British India would not be an offence, or under any of the provisions of the Criminal Procedure Code, or is charged with commission of a non-extradition offence in British India, he shall not be surrendered till the expiry of his term of imprisonment.

(6) If on the receipt of a process issued by a British Court under the authority of the Chief Commissioner's Notification of 23rd July 1878, a Magistrate in Mysore, or an Officer in charge of a Jail finds that the accused person is undergoing sentence of imprisonment in the State for a non-extradition offence he shall immediately communicate the fact to the British Court concerned together with information as to the date when the accused will be released in the ordinary course.

(7) Where an immediate surrender of the prisoner is not directed by Government as indicated in para 2 of this order, the Magistrate in Mysore, within whose jurisdiction the prisoner is undergoing sentence shall execute the warrant in accordance with the Chief Commissioner's Notification of 23rd July 1878 as soon as the prisoner is discharged.

The offence specified in the 1st schedule to the Indian Extradition Act, XV of 1903 are reprinted in the Appendix for convenience of reference.

APPENDIX.

Extradition offences (Schedule I to the Indian Extradition Act, V of 1903).
(The Sections referred to are the Sections of the Indian Penal Code).
Fraud upon creditors (Section 206).
Resistance to arrest (Section 224).
Offence relating to coin and stamps (Sections 230 to 263 A).
Culpable homicide (Sections 299 to 304)
Attempt to murder (Section 307).
Thuggee (Sections 310, and 311).
Causing miscarriage and abandonment of child (Sections 312 to 317).
Causing hurt (Sections 323 to 333)
Wrongful confinement (Sections 347, and 348).
Kidnapping and slavery (Sections 360 to 373).
Rape and unnatural offences (Sections 375 to 377).
Theft, extortion, robbery, etc. (Sections 378 to 414).
Cheating (Sections 415 to 420).
Fraudulent deeds, etc. (Sections 421 to 424).
Mischief (Sections 425 to 440).
Lurking house-trespass (Sections 443, 444).
Forgery, using forged documents, etc. (Sections 463 to 477A).
Desertion from any body of Imperial Service Troops.
Piracy by law of nations.
Offence under Sections 453 to 460 (Secretary's No. J. 821—Cts. 257-09-10, dated the 14th September 1910).
Offences under Criminal Tribes Act (Secretary's Memo No. P. 9972—Cts. 194-22-2, dated the 29th March 1923).

W D 116—GPB—525—5-8-30.

Pris 42-28-9

Proceedings of the Government of
His Highness the Maharaja of Mysore.

-----:O:-----

R e a d : -

Government Order No. J. 2013-23 Legis. 141-04-15 dated the 6th January 1908 laying down instructions for the guidance of Magistrates and Officers in charge of Priso in the State with regard to Warrants and re quisitions issued by Magistrates in Britisn India for the surrender of prisoners confined in the State Jails.

2. Letter No. G. 8609/Pris. 42-28-6 datei the 1st October 1929 to the Inspector General of Prisons inviting him to propose additional rules so as to ensure the avoidance of mistakes in connection with the surrender of prisoners according to the Government Order read above.

3. Letter No. C. 211-28 datei the 7th February 1930 from the Inspector General of Prisons in Mysore submitting for the approv of Government the necessary draft addends called for above.

Order No. G 784-93/Educ dated, Bangalore, 2/1st July 1930.

The accompanying amendments to the Mysore Jail Manuals Vols. I and II are appr ed.

Chief Secretary to Government

P.H.

3 1/16

To

The Inspr. Genl. of Prisons,

The Registrar of the Chief Court, with a covering letter.

The Inspector General of Police,

The District Magistrates of Districts.

Insert the following amendments to Mysore Jail Manual. Vol. I.

XXX A. Extradition.

Rule 426 (a)

Instructions for the surrender of Prisoners confined in the Mysore Jails to British Indian Courts are contained in Appendix 1-3 of Volume II of the Jail Manual. Care should be taken that copies of the requisition and the Warrant, if any, received through the Hon'ble the Resident in Mysore are given both to the Superintendent of Police to whom an application is made for the escort of the prisoner, and to the Police Officer in charge of the

ADDENDA.

Appendix I -2 Page 19. Volume II Mysore Jail Manual.

Insert the following as appendix I -3 to mysore Jail manual Vol II.

Proceedings of the Government of His Highness the Maharaja of Mysore.

-*-*-*-*-

R e a d:-

(1) Chief Commissioner's notification No. III dated 23rd July 1

"Under the authority of His Excellency the Viceroy and Governor-General in Council the Chief Commissioner directs that all criminal processess of whatsoever description when issued by any Magistrate having jurisdiction in any District of British India shall be acted upon and executed by all Magistrates and Police officers in Mysore under the same condition and in the same manner as if such processe had been issued by a Magistrate having jurisdiction in Mysore."

(2) Government Notification No. J. 219 - Legis. 14-04-14 dated 20-7-1907:-

" His Highness the Maharaja of Mysore is pleased to direct th if a requisition for the production and delivery at a place and to person or authority indicated in the requisition of a person confin in a prison in Mysore under sentence of a criminal court in Mysore for an extradition offence and charged with the commission of an extradition offence in British India, be addressed by a Magistrate Court of competent jurisdiction in British India to the officer in charge of the prison in Mysore where such person is confined, such officer shall act upon and comply with the same by causing such per to be conveyed to the place and delivered to the person or authorit indicated.

Provided as follows:-

(1) Every such requisition is forwarded through the Hon'ble t Resident in Mysore.

(2) No such requisition shall be acted upon if the the person whom it relates is under sentence of death.

Explanation:- In this order, "extradition offence" means any such offence as is described in the 1st Schedule to the Indian Extraditi

Extradition Act, 1903 & Act XV of 1903 of the Governor-General in Council).

2. His Highness is further pleased to direct that on the deli as aforesaid of a person confined in a prison and undergoing senten under a conviction in Mysore, his sentence shall be deemed to be suspended until the date of his re-surrender from British India to Mysore when it shall revive and shall have effect for the portion thereof which remained unexpired at the time of his delivery.

3. The provisions of this notification may by a special order of the Government be applied to the case of any person confined in a prison in Mysore under sentence of a criminal Court in Mysore for a offence, who may be susequently charged with committing an extradit offence in British India.

Explanation:- The word 'offence' where it first occurs in this para does not include an act which, if committed in British India, would not be an offence".

No. J. 2013-23-Legis.141-04-15 dated, Bangalore 6th January 1908

Order thereon:- Government are pleased to lay down the following instructions for the guidance of Magistrates and officers in charge of prisons in the State with regard to warrants and requi tions issued by Magistrates in British India in accordance with the Notifications read above:-

(1) Where a person is confined in a prison in Mysore un sentence of a criminal Court in Mysore for an extradition offence and is charged with the commission of an extradition offence in Bri India, a requisitio- to the officer in charge of the prison where s person is confined, shall be acted upon and complied with in the ma provided in para 1 of the Notification of the 20th July 1907 read above.

(2) Where a person is confined in a prison in Mysore fo non-extradition offence (i.e., an offence not specified in the Schedule to the India Extradition Act of 1903) and is charged with a extradition offence in British India a requisition by a Magistrate or Court of competent jurisdiction in British India, to the officer in charge

in charge of the prison where such person is confined shall not be compiled with except on a special order of the Government. On receipt of any such requisition the officer in charge of the Jail should immediately report the case to Government for instructions.

(3) In either of the above cases, no person confined in Mysore under a sentence of death shall be surrendered.

(4) Whenever a person confined in a prison in Mysore is surrendered before the expiry of his term of imprisonment, the officer in charge of the prison shall simultaneously with the surren of the prisoner submit an application for the issue of a warrant under section 7 or a requisition under section 9 of the Indian Extradition Act, for the resurrender of the convict to undergo the unexpired portion of his sentence.

(5) Where a person is confined in Mysore under sentence for offence constituted by an act which, if committed in British India would not be an offence, or under any of the provisions of the Crimi Procedure Code, or is charged with commission of a non-extradition offence in British India, he shall not be surrendered till the expir of his term of imprisonment.

(6) If on the receipt of a process issued by a British Court under the authority of the Chief Commissioner's Notification o 23rd July 1878, A Magistrate in Mysore, or an officer in charge of a Jail finds that the accused person is undergoing sentence of impriso ment in the state for a non-extradition offence he shall immediately communicate the fact to the British Court concerned together with information as to the date when the accused will be released in the ordinary course.

(7) Where an immediate surrender of the prisoner is not directed by Government as indicated in para 2 of this order, the Magistrate in Mysore, within whose jurisdiction the prisoner is unde foing sentence shall execute the warrant in accordance with the Chie Commissioner's Notification of 23rd July 1878 as oon as the prisoner is discharged.

The offence specified in the 1st Schedule to the Indian Extradition Act, XV of 1903 are reprinted in the Appendix for conven: enc

convenience of reference.

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A P P E N D I X.

Extradition offences.(Schedule I to the IndianExtradition Act, V of 1903.)

(The Sections referred to are the Sections of the Indian Penal Code.)

raud upon creditors (Section 206)

esistance to arrest (Section 224)

ffence relating to coin and stamps (Section 230 to 263 A)

ulpable homicide (Section 299 to 304)

ttempt to murder (Sections 307, XXX)

huggee(Sections 310,311)

ausing miscarriage and abandonment of child (Sections 312 to 317)

ausing hurt (Sections 323 to 333)

rongful confinement (Sections 347, 348 ~~377~~)

idnapping and slavery (Sections 360 to 373)

ape and unnatural offences (Sections 375 to 377)

heft, extortion, robbery etc(Sections 378 to 414)

heating (Sections 415 to 420)

raudulent deeds etc, (Sections 421 to 424)

ischief (Sections ~~xxx~~ 425 to 440)

urking house-trespass (Sections 443,444)

orgery, using forged documents, etc., (Sections 463 to 477 A)

esertion from any body of Imperial Service Troops.

iracy by law of nations

ffence under Sections 453 to 460 (Secretary's No. J.821/Cts.257-09-1C dated 14the September 1910)

ffences under Criminal Tribes Act (Secretary's memo No.P. 9972 Cts 194-22-2 dated 29th March 1923.

(Rule 426 A)

hapter XXX- Page Vol I Mysore Jail Manual.

~~xxxxx following~~ Substitute the words " before Courts" for the wor s witnesses" occuring in the heading of this chapter.

ule 426, page 117 Vol I Mysore Jail Manual.

dd the following as Rule 426 A.

Add the following as Rule 426 A.

The above rules contemplate the production of prisoners f a Jail or a lock-up before a court both situated within the State. any prisoner confined in a Mysore Jail is required to be produced before a British Indian Court, the instructions conveyed in Appendix I -3 should be obeyed and the following further procedure should be adopted.

(1) The officer in charge of the Jail from which the prisoner is to be surrendered shall forward to the Superintendent, o Police concerned a copy of the requisiton received through the Hon'ble the British Resident in Mysore and handed over another copy of the requisition to the Police officer in charge of the escort of prisoner.

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" C O P Y "

S. Subba Rao

Inspector-General of Prisons.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

R e a d :-

Government Order No. J. 2013-23 Legis. 141-04-15 dated the 6th January 1908 laying down instructions for the guidance of Magistrates and Officers in charge of prisons in the State with regard to Warrant and requisitions issued by Magistrates in British India for the surre of prisoners confined in the State Jails.

2. Letter No. J. 5609/Pris. 42-28-6 dated the 1st October 1929 t the Inspector General of Prisons in Mysore inviting him to propose additional rules so as to ensure the avoidance of mistakes in connection with the surrender of prisoners according to the Government Order read above.

3. Letter No. C. 211-28 dated the 7th February 1930 from the Inspector General of Prisons in Mysore submitting for the approval of Government the necessary draft addenda called for above.

Order thereon No. 9784-93/Pr 42-28-7
Dated, Bangalore, 21st July 1930.

The accompanying amendments to the Mysore Jail Manuals Vols. I and II are approved.

A. Devaraj

Chief Secretary to Government.

R.H.

To

The Inspector General of Prisons in Mysore
The Registrar of the High Court of Mysore,
The Inspector General of Police in Mysore.
The District Magistrates of Districts.

Insert the following amendments to Mysore Jail Manual - Volume I.

Instructions for the surrender of prisoners confined in the Mysore Jails to British Indian Courts are contained in Appendix I-3 of Volume II of the Jail Manual. Care should taken that copies of the requisition and the warrant, if any received through the Honorable the Resident in Mysore are given both to the Superintendent of Police to whom an application is made for the escort of the prisoner, and to the Police Officer in charge of the escort of the prisoner.

Insert the following as Appendix I - 3 to Mysore Jail Manual Vol. II

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE.

R e a d :-

(1) Chief Commissioner's notification No. III dated the 23rd July 1878.

" Under the Authority of His Excellency the Viceroy and Governor General in Council the Chief Commissioner directs that all Criminal processes of whatever description when issued by any Magistrate having jurisdiction in any District of British India shall be acted upon and executed by all Magistrates and Police Officers in Mysore under the same condition and in the same manner as if such processes had been issued by a Magistrate having jurisdiction in Mysore ".

(2) Government Notification No. J. 219 - Legis. 14-04-14 dated the 20th July 1907:-

" His Highness the Maharaja of Mysore is pleased to direct that if a requisition for the production and delivery at a place and to a person or authority indicated in the requisition of a person confined in a prison in Mysore under sentence of a Criminal Court in Mysore for an extradition offence and charged with the commission of an extradition offence in British India, be addressed by a Magistrate or Court of competent jurisdiction in British India to the Officer in charge of the prison in Mysore where such person is confined, such officer shall act upon and comply with the same by causing such person to be conveyed to the place and delivered to the person or authority so indicated."

Provided as follows:-

(1) Every such requi the Honorable the Resident in Mysore.

(2) No such requisition shall be acted upon if the person to whom it relates is under sentence of death.

Explanation - In this order, " extradition offence " means any such offence as is described in the 1st schedule to the Indian Extradition Act 1903, (Act XV of 1903 of the Governor General in Council.)

2. His Highness is further pleased to direct that on the delivery as aforesaid of a person confined in a prison and undergoing sentence under a conviction in Mysore, his sentence shall be deemed to be suspended until the date of his re-surrender from British India to Mysore when it shall revive and shall have effect for the portion thereof which remained unexpired at the time of the delivery.

3. The provisions of this notification may by a special order of the Government be applied to the case of any person confined in a prison in Mysore under sentence of a Criminal Court in Mysore for any offence, who may be subsequently charged with committing an extradition offence in British India.

Explanations- The word " offence " where it first occurs in this para does not include an act which, if committed in British India, would not be an offence.

No. J: 2017-23/Legis. 141-00-15 dated, Bangalore, 6th January 1908.

Order thereon - Government are pleased to lay down the following instructions for the guidance of Magistrates and officers in charge of prisons in the State with regard to warrants and requisitions issued by Magistrates in British India in accordance with the Notifications read above:-

(1) Where a person is confined in a prison in Mysore under sentence of a Criminal Court in Mysore for an extradition offence and is charged with the commission of an extradition offence in British India, a requisition to the officer in charge of the prison where such person is confined shall be acted upon and complied with in the manner provided in para 1 of the requisition Notification of the 27th July 1903 read above.

(2) Where a person is confined in a prison in Mysore for non-extradition offence (i.e., an offence not specified in the Schedule to the India Extradition Act of 1903) and is charged with an extradition offence in British India a requisition by a Magistrate or Court of competent jurisdiction in British India, to the officer in charge of the prison where such person is confined shall not be complied with except on a

a special order of the Government. On receipt of any such requisition the officer in charge of the Jail should immediately report the case to Government for instructions.

(3) In either of the above cases, no person confined in Mysore under a sentence of death shall be surrendered.

(4) Whenever a person confined in a prison in Mysore is surrendered before the expiry of his term of imprisonment the officer in charge of the prison shall simultaneously wit the surrender of the prisoner sub it an application for the issue of a warrant under Section 7 or a requisition under Section 8 of the Indian Extradition Act, for the resurrender of the convict to undergo the unexpired portion of his sente

(5) Where a person is confined in Mysore under sentence for an offence constituted by an act which, if committed in British India would not be an offence, or under any of the provisions of the Criminal procedure Code, or is charged wit commission of a non-extradition offence in British India, he shall not be surrendered till the expiry of his term of imprisonment.

(6) If on the receipt of a process issued by a British Court under the authority of the Chief Commissioner's Notification of 23rd July 1878, a Magistrate in Mysore, or an officer in charge of a Jail finds that the accused person is undergoing sentence of imprisonment in the State for a non-extradition offence he shall immediately communicate the fac to the British Court concerned together with information as to the date when the accused will be released in the ordinary course.

(7) Where an immediate surrender of the prisoner is not directed by Government as indicated in para 2 of this order the Magistrate in Mysore, within whose jurisdiction the prisoner is under-going sentence shall execute the warrant i accordance with the Chief Commissioner's Notification of 23r July 1878 as soon as the prisoner is discharged.

discharged.

The offence specified in the 1st schedule to the Indian Extradition Act, XV of 1903 are reprinted in the Appendix for convenience of reference.

A p p e n

Extradition offences (Schedule I to the Indian extradition Act, V of 1903).

(The Sections as referred to are the Sections of the Indian Penal Code).

Fraud upon creditors (Section 206)

Resistance to arrest (Section 224)

Offence relating to coin and stamps (Section 230 to 255 A)

Culpable homicide (Section 299 to 304)

Attempt to murder (Sections 307, [illegible])

Thuggee (Sections 310, 311)

Causing miscarriage and abandonment of child (Sections 312 to 317)

Causing hurt (Sections 323 to 333)

Wrongful confinement (Sections 347, 348),

Kidnapping and slavery (Sections 360 to 373)

Rape and unnatural offences (Sections 375 to 377

Theft, extortion, robbery etc., (Sections 378 to 414),

Receiving (Sections 411 to 414)

Fraudulent deeds etc., (Sections 421 to 424)

Mischief (Sections 425 to 440)

Criminal house-trespass (Sections 443, 44),

Forgery, using forged documents, etc., Sections 463 to 477A)

Desertion from any body of Imperial Service Troops.

Piracy by law of nations.

Offences under Sections 453 to 460 (Secretary's No. J. 821/Cts 257-08-13 dated the 14th September 1910)

Offences under Criminal Tribes Act (Secretary's Memo No. P

PROCEEDINGS OF THE GOVERNMENT OF SHIMOGA, THE MAHARAJA OF MYSORE.

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Read :-

Government Order No. J. 1413-21 Pris. 141-24-1 dated the 6th January 1908 laying down instructions for the guidance of Magistrates and Officers-in-charge of prisons in the State with regard to warrants and requisitions issued by Magistrates in British India for the surrender of prisoners confined in the State Jails.

2. Letter No. [illegible] dated the 1st October 1929 to the Inspector General of Prisons in Mysore inviting him to propose additional rules so as to ensure the avoidance of mistakes in connection with the surrender of prisoners according to the Government Order read above.

3. Letter No. [illegible] dated the 7th [illegible] 1930 from the Inspector General of Prisons in Mysore submitting for the approval of Government the necessary draft amendments called for above.

Order thereon No.

Dated, Bangalore, [illegible] July 1930.

The accompanying amendments to the Mysore Jail Manuals Vols. I and II are approved.

A. Devanathan

Chief Secretary to Government

The Inspector General of Prisons in Mysore,
The Registrar of the High Court of Mysore and to Government
The Inspector General of Police in Mysore,
The District Magistrates of Districts.

Insert the following amendments to Mysore Jail Manual Volume I.

XXX A. Extradition.

Rule 426 (a)

Instructions for the surrender of Prisoners confined in the Mysore Jails to British Indian Courts are contained Appendix I-3 of Volume II of the Jail Manual. Care shoul taken that copies of the requisition and the warrant, if r received through the Honorable the Resident in Mysore are given both to the Superintendent of Police to whom an appl cation is made for the escort of the prisoner, and to the Police Officer in charge of the escort of the Prisoner.

Insert the following as Appendix I - 3 to Mysore Jail Manual Vol. II

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PROCEEDINGS OF THE HON'BLE THE CHIEF COMMISSIONER OF MYSORE.

Read :-

(1) Chief Commissioner's notification No. 111 dated the 23rd July 1878.

" Under the authority of His Excellency the Viceroy and Governor General in Council the Chief Commissioner directs that all criminal processes of whatever description when issued by any Magistrate having jurisdiction in any district of British India shall be acted upon and executed by all Magistrates and Police Officers in Mysore under the same condition and in the same manner as if such processes had been issued by a Magistrate having jurisdiction in Mysore ".

(2) Government Notification No. [illegible] - Judl. 14-34-12 dated the 20th July 1927 :-

" His Highness the Maharaja of Mysore is pleased to direct that if a requisition for the production and delivery at any place and to a person or authority indicated in the requisition of a person confined in a prison in Mysore under sentence of a criminal Court in Mysore for an extraditable offence and charged with the commission of an extraditable offence in British India, be addressed by a Magistrate or Court of competent jurisdiction in British India to the officer in charge of the prison in Mysore where such person is confined, such officer shall act upon and comply with the same by causing such person to be conveyed to the place and delivered to the person or authority so indicated."

Provided as follows :-

(1) Every such requisition is forwarded through the Honorable the Resident in Mysore.

(2) No such requisition shall be acted upon if the person to whom it relates is under sentence of death.

Explanation - In this order, " extradition offence " means any such offence as is described in the last schedule to the Indian Extradition Act 1903. (Act XV of 1903 of the Governor General in Council)

ouncil)

2. His Highness is further pleased to direct that on the delivery s aforesaid of a person confined in a prison and undergoing sentence nder a conviction in Mysore, his sentence shall be deemed to be suspe d until the date of his re-surrender from British India to Mysore whe .t shall revive and shall have effect for the portion thereof which re- ained unexpired at the time of the delivery.

3. The provisions of this notification may by a special order of overnment be applied to the case of any person confined in a prison i Mysore under sentence of a Criminal Court in Mysore for any offence, w may be subsequently charged with committing an extradition offence in British India.

Explanation- The word " offence " where it first occurs in this para does not include an act which, if committed in British India, wou not be an offence.

No. J. S.13-23/Legis: 141-34-15 dated, Bangalore, 6th January 1906.

Order thereon - Government are pleased to lay down the following instructions for the guidance of Magistrates and officers in charge of prisons in the State with regard to warrants and requisitions issued b Magistrates in British India in accordance with the Notifications read above:-

(1) Where a person is confined in a prison in Mysore under senten of a Criminal Court in Mysore for an extradition offence and is charge with the commission of an extradition offence in British India, a requ sition to the officer in charge of the prison where such person is con shall be acted upon and complied with in the manner provided in para 1 of the requisition Notification of the 28th July 1907 read above.

(2) Where a person is confined in a prison in Mysore for non-extr dition offence (i-e., an offence not specified in the Schedule to the India Extradition Act of 1903) and is charged with an extradition off in British India a requisition by a Magistrate or Court of competent jurisdiction in British India, to the officer in charge of the prison where such person is confined shall not be complied with except on a

a special order of the Government. On receipt of any such requisition the officer in charge of the Jail should immediately report the case to Government for instructions.

(3) In either of the above cases, no person confined in Mysore under a sentence of death shall be surrendered.

(4) Whenever a person confined in a prison in Mysore is surrendered before the expiry of his term of imprisonment, the officer in charge of the prison shall simultaneously with the surrender of the prisoner make an application for the issue of a warrant under section 7 or a requisition under section 9 of the Indian Extradition Act, for the re-surrender of the convict to undergo the unexpired portion of his sentence.

(5) Where a person is confined in Mysore under sentence for an offence constituted by an act which, if committed in British India would not be an offence, or under any of the provisions of the Criminal Procedure Code, or is charged with commission of a non-extradition offence in British India, he shall not be surrendered till the expiry of his term of imprisonment.

(6) If on the receipt of a process issued by a British Court under the authority of the Chief Commissioner's Notification of 23rd July 1877, a Magistrate in Mysore, or an officer in charge of a Jail finds that the accused person is undergoing sentence of imprisonment in the State for a non-extradition offence he shall immediately communicate the fact to the British Court concerned together with information as to the date when the accused will be released in the ordinary course.

(7) Where an immediate surrender of the prisoner is not directed by Government as indicated in para 4 of this order, the Magistrate in Mysore, within whose jurisdiction the prisoner is under-going sentence shall execute the warrant in accordance with the Chief Commissioner's Notification of 23rd July 1878 as soon as the prisoner is discharged.

discharged.

The offence specified in the 1st schedule to the Indian Extradition Act, XV of 1903 are reproduced in the Appendix for convenience of reference.

Extradition offences (Schedule I to the Indian Extradition Act, V of 1903).

(The Sections as referred to are the Sections of the Indian Penal Code).

Fraud upon creditors (Section 206),

Resistance to arrest (Section 224),

Offence relating to coin and stamps (Section 231 to 255),

Culpable homicide (Section 299 to 304),

Attempt to murder (Sections 307, —)

Theft (Sections 379, 381),

Kidnapping, abduction and abandonment of child (Sections 363-A to 369),

Causing hurt (Sections 323 to 333)

Wrongful confinement (Sections 347, 348),

Kidnapping and slavery (Sections 360 to 374

Rape and unnatural offences (Sections 375)

Theft, extortion, robbery etc., (Sections 378 to 414)

Cheating (Sections 415 to 420),

Fraudulent deeds etc., (Sections 421

Mischief (Sections 425 to 440),

Burglary house-trespass (Sections 4

Forgery, using for of documents, etc., Sections 465 to 477A)

Desertion from any body of Imperial Service Troops.

Piracy by law of nations,

Offence under Sections 455 to 460 (Secretary's No. J. 821/0 250-A-10 dated the 14th September 1910)

Offences under Criminal Tribes Act (Secretary's Memo No. F 9972/Cts. 194-28-9 dated the 29th March 1923.